

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES, *et al.*,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

No. 1:23-cv-00108-LMB-JFA

**DECLARATION OF GLENN BERNTSON
IN SUPPORT OF DEFENDANT GOOGLE LLC'S
MOTION TO SEAL CONFIDENTIAL DOCUMENTS AND TESTIMONY**

I, Glenn Berntson, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Director of Engineering at Google LLC ("Google"). I have been employed by Google since July 2012 and have held my current position since that time. I submit this declaration in support of Google's Motion to Seal Confidential Documents and Testimony.

2. Based on my work at Google, I have personal knowledge of the company's practices and procedures for maintaining the confidentiality of its source code and other technical product information. The contents of this Declaration are true and correct to the best of my knowledge, information, and belief, and are based on Google's policies and practices as they relate to the treatment of confidential information, the materials that were provided to me and reviewed by me, and are informed by conversations with other knowledgeable employees of Google. If called upon as a witness in this action, I could and would testify competently thereto.

3. Google follows a strict practice that requires confidential treatment of its source code, product design information, and data. In my experience and to the best of my knowledge, in order to protect itself from competitive harm, Google takes significant precautions to ensure that this information is not made public, and does not disclose documents or information of this nature outside of the company,

with the exception of certain documents that Google shares with partners or fiduciaries, subject to further confidentiality requirements.

4. I have reviewed the trial exhibits listed below, and I believe that the sealing (or redaction, when specified) of those exhibits is necessary to protect Google's trade secrets and proprietary information.

5. I have reviewed RDTX1048, RDTX1049, RDTX1050, RDTX1051, RDTX1052, RDTX1053, RDTX1054, RDTX1055, RDTX1056, RDTX1057, RDTX1058, RDTX1059, RDTX1060, RDTX1061, RDTX1062, RDTX1063, RDTX1064, RDTX1065, RDTX1066, RDTX1067, RDTX1068, RDTX1069, RDTX1070, RDTX1071, RDTX1072, RDTX1073, RDTX1074, RDTX1075, RDTX1076, RDTX1077, RDTX1078, RDTX1079, RDTX1080, RDTX1081, RDTX1082, RDTX1083, RDTX1084, RDTX1085, RDTX1086, RDTX1087, RDTX1088, RDTX1089, RDTX1090, RDTX1091, RDTX1092, RDTX1093, RDTX1094, RDTX1095, RDTX1096, RDTX1097, RDTX1098, RDTX1099, RDTX1100, RDTX1101, RDTX1102, RDTX1103, RDTX1104, RDTX1105, RDTX1106, and RDTX1107, PRX023, and PRX025. These exhibits consist of Google's source code directories and datasets, containing the code which is used to engineer and run Google's products. Disclosure of Google's source code could both allow competitors to directly recreate Google's products for a direct and adverse competitive advantage, as well as allow buyers to unfairly game Google's products. For this reason, Google strictly maintains the confidentiality of these datasets.

6. I have reviewed RDTX59, RDTX235, RDTX273, RDTX341, RDTX343, RDTX424, RDTX438, RDTX458, RDTX487, RDTX533, RDTX549, RDTX756, RDTX783, RDTX792, RDTX800, RDTX984, and PRX021, along with Google's proposed redactions. These redactions contain excerpts or derivative versions of Google's source code. Disclosure of Google's code could both allow competitors to reverse engineer Google's products for a direct and adverse competitive advantage, as well as allow buyers to unfairly game Google's products. For this reason, Google strictly maintains the confidentiality of these datasets.

7. I have reviewed RDTX584, RDTX804, RDTX862, RDTX878, RDTX880, and PRX098.

These trial exhibits consist of technical product design diagrams and descriptions and detailed analyses of Google's products and optimizations. Disclosure of such information could both allow competitors to reverse engineer Google's products for a direct and adverse competitive advantage, as well as allow buyers to unfairly game Google's products. For this reason, Google strictly maintains the confidentiality of this information.

8. I have reviewed RDTX54, RDTX122, RDTX234, RDTX252, RDTX284, RDTX289, RDTX305, RDTX309, RDTX310, RDTX327, RDTX335, RDTX356, RDTX376, RDTX377, RDTX410, RDTX440, RDTX443, RDTX544, RDTX555, RDTX565, RDTX586, RDTX593, RDTX594, RDTX649, RDTX652, RDTX674, RDTX684, RDTX691, RDTX693, RDTX699, RDTX701, RDTX722, RDTX734, RDTX736, RDTX743, RDTX744, RDTX746, RDTX769, RDTX807, RDTX810, RDTX813, RDTX834, RDTX852, RDTX943, RDTX944, RDTX948, and RDTX985, PRX008, PRX009, PRX011, PRX013, PRX016, PRX022, PRX030, and PRX064, along with Google's proposed redactions. These redactions contain detailed descriptions of Google's proprietary algorithms and optimizations, as well as highly technical diagrams revealing Google's internal infrastructure, product design, and the flow of data through Google's systems. Public disclosure would allow competitors to recreate certain Google products, and could harm Google's competitive position in the marketplace. For this reason, Google strictly maintains the confidentiality of this information.

9. I have reviewed RDTX997, RDTX1006, RDTX1007, RDTX1008, DTX1011, DTX1012, DTX1013, DTX1014, DTX1018, DTX1019, DTX1021, DTX1024, DTX1025, DTX1026, DTX1028, PRX028, and PRX038. These exhibits consist of highly detailed spreadsheets and raw datasets regarding Google's products, including impressions data, reservations data, backfill data, and fees. Disclosing such granular data publicly would provide Google's competitors highly detailed information about Google's products, which could harm Google's customers as well as its competitive position in the marketplace. For this reason, Google strictly maintains the confidentiality of these datasets.


10. I have reviewed RDTX696, DTX950 and DTX951, along with Google's proposed redactions. These redactions contain data regarding specific computing resources and infrastructure hardware usage of Google's products. Public disclosure would allow competitors to gain insight into the capacity and operations of Google's systems, and could harm Google's competitive position in the marketplace. For this reason, Google strictly maintains the confidentiality of this information.

11. I have reviewed RDTX477, PRX108, and RDTX881. These exhibits consist of future-facing engineering strategy memos which reflect internal technical analyses and strategy discussions related to Google's products, including discussions and analyses concerning internal Google infrastructure usage and expenditures, product alterations and modifications, strategic considerations and trade-off analyses, and product development. Public disclosure of the information contained in these exhibits would provide Google's competitors with unfair access to Google's technical analyses, trajectory, and priorities, and could harm Google's competitive position in the marketplace. For this reason, Google strictly maintains the confidentiality of this information.

12. I have reviewed PRX027 along with Google's proposed redactions. These redactions consist of future-facing engineering strategy discussion which reflects internal technical analyses and strategy discussions related to Google's products, including discussions and analyses concerning internal Google infrastructure, product alterations and modifications, strategic considerations and trade-off analyses, and product development. Public disclosure of the information contained in these redactions would provide Google's competitors with unfair access to Google's technical analyses, trajectory, and priorities, and could harm Google's competitive position in the marketplace. For this reason, Google strictly maintains the confidentiality of this information.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 5, 2025 in Stephentown, New York

Signed by:


Glenn Berntson
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